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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/507,157

10/13/2005

John Doyle

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EXAMINER

MAMO, ELIAS

ART UNIT

PAPER NUMBER

2184

NOTIFICATION DATE

DELIVERY MODE

03/02/2009

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

USADOCKETING@FREESCALE.COM

Advisory Action
Before the Filing of an Appeal Brief

Application No.

10/507,157

Applicant(s)

DOYLE ET AL.

Examiner

ELIAS MAMO

Art Unit

2184

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 12 February 2009 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1-5, 7-10 and 12.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
Please see the continuation sheet.
12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____.

/Henry W.H. Tsai/
Supervisory Patent Examiner, Art Unit 2184

Applicants argued that "...neither the field extraction unit 22 nor the compare unit 24 possess look-up functionality" (page 5, 2nd paragraph, lines 3-4)

The Examiner disagrees with the above statement. Henriksson et al. '586 discloses extracting a field from the header information and comparing the extracted field with plurality of parameters in order select/provide instructions (col. 3, lines 48-58)

Applicants argued that "The Office Action does not identify which element of Henriksson et al. corresponds to the signal handler." (Page 6, lines 2-3)

The Examiner disagrees with the above statement. The protocol processor unit 12 is the signal handler. See fig. 1.

Applicants argued that "...the field extraction unit 22 and the compare unit 24 do not send the predetermined program selector." (Page 6, 3rd paragraph, lines 4-5)

The Examiner disagrees with the above statement. Henriksson et al. '586 discloses extracting a field from the header information and comparing the extracted field with plurality of parameters in order select/provide instructions (col. 3, lines 48-58)

Applicants argued that "...Action is not being consistent in considering the same look-up table from Henriksson et al. when referring to the look-up table of claim 1." (Page 7, lines 1-2)

The Examiner disagrees with the above statement. Henriksson et al. '586 discloses multiple look-up table in order to output selected instructions, wherein the selected instruction are used to process the second header information (col. 5, lines 4-19)

Applicants argued that the reasons given in the Office Action for combining the teachings of Henriksson et al. with Williams et al. are not sufficient and "...has not satisfied the necessary criteria of providing a reasoning to combine Henriksson et al. with Williams et al...." (Page 9, 3rd paragraph, lines 11-12)

The Examiner disagrees with the above statement. The reason for combining the cited arts is because it enables to select and execute the desired operation on-the-fly so that no need of data buffering. The motivation for doing so would have been to optimize packet processing.

The Applicants also argued that "Furthermore, Henriksson et al. does not suggest modification thereof with the teachings of William et al. or Spur et al. Similarly, Williams et al. does not suggest modification thereof with the teachings of Spur et al." (Page 9, last paragraph)

The Examiner disagrees with the above statement. The test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. In re Keller, 642 F. 2d 413, 425, 208 USPQ 871, 881 (CCPA 1981). In this regard, a conclusion of obviousness may be based on common knowledge and common sense of the person of ordinary skill in the art without any specific hint or suggestion in a particular reference. In re Bozek, 416 F. 2d 1385, 1390, 163 USPQ 545, 549 (CCPA 1969).